

SENATE BILL 2253

By Norris

AN ACT to amend Tennessee Code Annotated, Section 55-10-419(g) and Section 55-10-425, relative to ignition interlock programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-419(g)(2)(D), is amended by deleting the language "department of finance and administration, office of criminal justice programs" and substituting instead the language "department of safety, Tennessee highway safety office".

SECTION 2. Tennessee Code Annotated, Section 55-10-419(g)(3)(A)(iii), is amended by deleting the language "department of finance and administration, office of criminal justice programs" and substituting instead the language "department of safety, Tennessee highway safety office".

SECTION 3. Tennessee Code Annotated, Section 55-10-425, is amended by adding the following as a new subsection:

(h)

(1) This subsection (h) applies to persons required to have an ignition interlock device installed on their vehicle under subsection (c) when that vehicle is unable to be operated due to:

(A) Damage from an accident or other uncontrollable circumstance where the person's intoxication was not a proximate cause;
or

(B) Repairs based on normal wear and tear of a vehicle or due to a recall.

(2) A person whose vehicle is unable to be operated under subdivision (h)(1) may request the department toll the required consecutive three-hundred-sixty-five-day period, beginning on the date of the incident that led to the vehicle being unable to be operated, by submitting proof to the ignition interlock provider that the vehicle was involved in a traffic crash, the vehicle is being repaired, or other uncontrollable circumstance through no fault of the person required to have ignition interlock.

(3)

(A) If the vehicle was in an accident and a law enforcement agency issued a crash report, the crash report must be submitted.

(B) Other proof may consist of, but is not limited to:

(i) A written statement from the insurance company regarding repairs;

(ii) A written statement from a repair shop showing the damage being repaired and the estimated time of completion for repairs; or

(iii) Other documentation acceptable to the department.

(4) The ignition interlock provider shall forward the request and documentation to the department within five (5) business days of receipt.

(5) The department shall notify the person and the ignition interlock provider in writing, or by electronic transmission, if the tolling period has been granted or denied, and, if denied, the reason for the denial.

(6) If granted, a toll period shall be for thirty (30) days. At the end of the thirty-day period, if the vehicle is still unable to be operated and the person cannot have an ignition interlock device installed on a different vehicle, the person shall submit additional proof, as specified in subdivision (h)(3), to the department showing the vehicle is still undergoing repairs or other acceptable

reason that the ignition interlock device cannot be installed on a different vehicle. The department shall notify the person and the ignition interlock provider in writing, or by electronic transmission, if any additional toll period has been granted or denied, and, if denied, the reason for the denial.

(7) At the end of any thirty-day period, if no new request has been submitted and granted, then the three-hundred-sixty-five-day period shall resume with the person being required to maintain an ignition interlock device for the period of time that was remaining on the day the tolling period began.

(8) The tolling period in this subsection (h) does not relieve a person from the requirement to only operate a vehicle that is equipped with an ignition interlock device.

(9)

(A) A person aggrieved by the denial of their request to have the three-hundred-sixty-five-day period tolled under this subsection (h) may, within ten (10) business days of the date of the denial, request a review by the commissioner or the commissioner's designee. The request for review shall include copies of the proof submitted to the department, the denial letter from the department, and any information showing why the person believes the denial was incorrect.

(B) The commissioner or the commissioner's designee shall, within ten (10) business days of receiving the request for review, make a determination in writing, based on information in the department's records and the information provided by the person requesting the review, whether or not the thirty-day toll period should be granted.

(C) The request for review will stay the continuation of the three-hundred-sixty-five-day period until the commissioner or commissioner's designee's ruling is issued.

(D) A person may appeal the commissioner or commissioner's designee's ruling pursuant to § 4-5-322.

SECTION 4. Sections 1 and 2 of this act shall take effect July 1, 2018, the public welfare requiring it. Section 3 of this act shall take effect January 1, 2019, the public welfare requiring it.